

Message

**From:** Siegal, Tod [Siegal.Tod@epa.gov]  
**Sent:** 6/23/2020 9:10:10 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Jaikaran, Bianca [Jaikaran.Bianca@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]  
**Subject:** RE: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps  
**Attachments:** 404.Florida.ICLanguage.docx

Hi all. Following on today's conversation, I took a stab at editing Seminole's language re **Ex. 5 AC/DP**  
**Ex. 5 AC/DP** The edits are in the attachment. It looks like the document is coded to delete information identifying editors, but the edits should be fairly easy to distinguish from the Tribe's proposed language (and the bubbles are from me). There are any number of ways to frame this in terms of our **Ex. 5 AC/DP**  
**Ex. 5 AC/DP** I'll leave it to you all to edit as appropriate. Just sending to the staff attorneys for a first cut at this. Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Tuesday, June 23, 2020 9:14 AM  
**To:** Armor, Suzanne <Armor.Suzanne@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** RE: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

Thanks for your input Suzanne. We'll let you know what comes out of the discussion.

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**From:** Armor, Suzanne <Armor.Suzanne@epa.gov>  
**Sent:** Tuesday, June 23, 2020 9:07 AM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** RE: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

Thanks, Matt, but I start my **Ex. 6 Personal Privacy (PP)** and won't be able to join on this short notice. If Tod and Bianca can join, please feel free to discuss in my absence.

As you mention below, in my opinion, the issues that Tod and I raised previously have not been addressed by these suggested edits. **Ex. 5 AC/DP**

**Ex. 5 AC/DP**

My previous comments on this issue are attached.

-Suzanne

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Tuesday, June 23, 2020 7:52 AM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Cc:** Armor, Suzanne <Armor.Suzanne@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Subject:** FW: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

We received the following mark-ups on the EPA and Corps MOAs from the Seminole Tribe's counsel on Friday which reflect input from the Corps. The only change from the last version you saw was the addition of "the Corps" to the list of parties consulted in the event of a dispute. Ultimately, the issues Suzanne and Tod pointed out remain the same with this addition.

We have 15 minutes reserved at the end of today's internal FL assumption call (11:00-12:00) to talk about the Seminole's suggested edits to the MOAs. I will forward the call invite to Tod, Suzanne, and Bianca in hopes they can join us to discuss the Seminole and Corps language and whether a multi-party MOA that involves the tribes is a better option.

Thanks,

Matt

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**From:** Rachael Santana <rsantana@llw-law.com>  
**Sent:** Friday, June 19, 2020 1:28 PM  
**To:** 'Gray, Stephanie A' <Stephanie.A.Gray@FloridaDEP.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** 'Holmes, Joshua R CIV USARMY CESAJ (USA)' <Joshua.R.Holmes@usace.army.mil>; chad.r.stevens@dep.state.fl.us; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Michelle Diffenderfer <mdiffenderfer@llw-law.com>; 'Craig A. Jacobson' <CJacobson@hobbsstrauss.com>  
**Subject:** RE: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

Good afternoon Stephanie & Matt,

Michelle and I have now had an opportunity to speak with Josh Holmes at the Corps regarding the language the Seminole Tribe has proposed in the Memoranda of Agreement (MOA). Mr. Holmes suggested that we add the Corps to the list of parties consulted in the event of a dispute in the MOAs. I have made the proposed edit in both documents and highlighted the change in yellow.

Please let us know if you would like to discuss the language. If so, I would be happy to set up a call for next week.

Regards,

**Rachael B. Santana** | Attorney  
515 North Flagler Drive, Suite 1500 | West Palm Beach, Florida 33401  
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Member of the Environmental Law Network

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**From:** Rachael Santana

**Sent:** Friday, June 12, 2020 4:24 PM

**To:** Gray, Stephanie A <[Stephanie.A.Gray@FloridaDEP.gov](mailto:Stephanie.A.Gray@FloridaDEP.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Cc:** [chad.r.stevens@dep.state.fl.us](mailto:chad.r.stevens@dep.state.fl.us); Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; 'Armor.Suzanne@epa.gov'

<[Armor.Suzanne@epa.gov](mailto:Armor.Suzanne@epa.gov)>; Jaikaran, Bianca <[Jaikaran.Bianca@epa.gov](mailto:Jaikaran.Bianca@epa.gov)>; Kupchan, Simma

<[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Michelle Diffenderfer <[mdiffenderfer@llw-law.com](mailto:mdiffenderfer@llw-law.com)>;

'Craig A. Jacobson' <[CJacobson@hobbsstrauss.com](mailto:CJacobson@hobbsstrauss.com)>

**Subject:** Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

Good afternoon Stephanie & Matt,

Please find attached the Seminole Tribe's proposed additions to the draft Memoranda of Agreement between the Florida Department of Environmental Protection, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps). The Seminole Tribe's proposed additions in both documents are provided in red text and underlined (but not in track changes).

Our records reflect the last version of the EPA MOA was sent to me on 4/1/2019 and was titled "Draft- FL EPA MOA 9\_20181101\_redline.docx." Our records reflect the last version of the Corps MOA was sent to me on 6/17/2019 and was titled "Draft CWA 404g MOA Between DA and FL DEP 03052019." I have accepted all track changes and deleted all comments from those draft versions in order make the proposed language easy to identify.

At your earliest convenience, please let us know who the correct 404 contacts are at the Corps. The Seminole Tribe would like to engage in similar conversations with the Corps as we have with EPA. Also, if I inadvertently left someone off this email, please forward as appropriate.

Thank you again for all your time and attention to this matter.

Regards,

**Rachael B. Santana** | Attorney

515 North Flagler Drive, Suite 1500 | West Palm Beach, Florida 33401

[rsantana@llw-law.com](mailto:rsantana@llw-law.com) | 561.640.0820

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